

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

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**GEROME PEETE d/b/a  
GURU PRODUCTIONS**

**PLAINTIFF**

**V.**

**CAUSE NO 4:06CV112**

**SKYLAR THOMPSON,  
ROBERT J. CERBE,  
WILLIAM P. KNOX,  
KNOX & CERBE MANAGEMENT  
& TRAINING, a General Partnership**

**DEFENDANTS**

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**ORDER**

This cause comes before the court on the motion of William P. Knox to remand this cause to the Circuit Court of DeSoto County, Mississippi. The plaintiff has responded in opposition, but the brief appears to be misfiled. The brief in response was previously filed as a response in opposition to a motion for sanctions. Nonetheless, the court is prepared to rule.

William P. Knox has attempted to demonstrate that plaintiff Gerome Peete is not a citizen of Tennessee as he has claimed, but that he is actually a citizen of the state of Mississippi. A determination that Mr. Peete is a citizen of Mississippi would destroy diversity jurisdiction and cause this court to no longer retain subject matter jurisdiction over this matter. To be a citizen of a state for diversity purposes, a natural person must be both 1) a citizen of the United States, and 2) a domiciliary of that state. *Coury v. Prot*, 85 F.3d 244, 248 (5<sup>th</sup> Cir. 1996). Diversity of citizenship must exist at the time the action is commenced, and will not be destroyed by the subsequent changes in citizenship of the extant parties. *Id.* at 248-49.

Defendant Knox does not question Mr. Peete's United States citizenship, but he has provided several tax returns for the years 2005 and 2006 reflecting that Mr. Peete reported a Mississippi address to the Internal Revenue Service. While Mr. Peete's memorandum in response has no apparent connection to the issue at hand, the attachments to the memorandum do provide insight into the question surrounding Mr. Peete's residence. In response to an interrogatory propounded by Mr. Knox, Mr. Peete stated that he had both a business address as well as a residential address. Mr. Peete's business address is located in Mississippi, and the address is consistent with the information submitted on the aforementioned tax returns. However, Mr. Peete's residential address is in the state of Tennessee. Accordingly, Mr. Knox has not demonstrated that Mr. Peete is not a citizen of the state of Tennessee for diversity purposes and his motion [124] to remand must be DENIED.

This the 5<sup>th</sup> day of December, 2007.

**/s/ MICHAEL P. MILLS**  
**CHIEF JUDGE**  
**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF MISSISSIPPI**